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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,808	01/07/2002	Gerald S. Gordon	D/A1197	2903

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Jason A. Worgull
Fay, Sharpe, Fagan,
Minnich & McKee, LLP
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2518

EXAMINER
PITARO, RYAN F

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 January 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>01/07/2002</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-14 have been examined.

Claim Objections

2.   Claims 5-8,10,11,12,14 are objected to because of the following informalities:

Each claim listed above lacks the appropriate punctuation; furthermore, in line 2 of claim

5 a colon should follow "includes" rather than a period. Appropriate correction is

required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1,7,8,9,12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Horvitz et al ("Horvitz", US 5,880,773) in view of Jetha et al ("Jetha", US

6,661,426).

As per independent claim 1, Horvitz discloses A method of displaying information

within a three-dimensional workspace on a computer display, said method comprising:

partitioning the workspace into a plurality of layers, where each layer corresponds to a

display depth relative to a user (Column 6 lines 39-43; *depth cues*); displaying at least

one substantially opaque container object at a first display depth (Figure 4b); providing

to the user a pointer operative to select objects within the three-dimensional workspace

at a plurality of display depths (Figure 15); Horvitz fails to distinctly point out reducing

opacity levels to reveal other contained objects. However, Jetha teaches responsive to

the user selecting a container object (Column 2 lines 60-64), reducing an opacity level

of the selected container object (Column 2 lines 60-64; *user able to vary translucency*)

in order to reveal at least one content object contained therein (Figure 2;*Beta

Programme 1)*, and displaying the at least one content object contained within the

selected container object at a deeper display depth relative to the first display depth

(Figure 2 items 81,82,83). Therefore it would have been obvious to an artisan at the

time of the invention to combine the three-dimensional workspace of Horvitz with the

opacity reducing of Jetha. Motivation to do so would have been to provide an efficient

way of minimizing the windows of Horvitz.

Claims 7 and 12 are individually similar in scope to that of claim 1, and are

therefore rejected under similar rationale.

As per claim 8, which is dependent on claim 7, Horvitz-Jetha discloses display

means (Column 7 lines 30-36), but Horvitz fails to distinctly point out a LC display.

However, Official Notice is given that LC displays are notoriously well known in the art.

LC displays are common practice for displaying. Therefore it would have been obvious

to an artisan at the time of the invention to combine the method of Horvitz-Jetha with the

current teaching. Motivation to do so would have been to provide a means of displaying.

As per claim 9, which is dependent on claim 7, Horvitz-Jetha discloses display

means (Column 7 lines 30-36), but Horvitz fails to distinctly point out a LC display.

However, Official Notice is given that CRT displays are notoriously well known in the art.

CRT displays are common practice for displaying. Therefore it would have been obvious

to an artisan at the time of the invention to combine the method of Horvitz-Jetha with the

current teaching. Motivation to do so would have been to provide a means of displaying.

5.   Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Horvitz et al ("Horvitz", US 5,880,773) in view of Jetha et al ("Jetha", US 6,661,426) in

further view of Ledoux ("Ledoux", US 6,104,377).

As per claim 2, which is dependent on claim 1, Horvitz-Jehta fails to distinctly

point out reducing opacity levels by selecting dither patterns and replacing pixels based

on those dither patterns. However, Ledoux teaches a method, wherein reducing the

opacity of the selected container object includes: determining a desired opacity level of

the selected container object (Figure 11 item 205), selecting a dither pattern

corresponding to the desired opacity level (Figure 11 item 210 and 230), and replacing

pixels corresponding to the container object with pixels corresponding to the at least

one content object in accordance with the selected dither pattern (Column 3 lines 15-

24). Therefore it would have been obvious to an artisan at the time of the invention to

combine the method of Horvitz-Jetha with the current teaching of Ledoux. Motivation to

do so would have been to provide an accurate pattern to create a specific opacity level

as taught in Horvitz-Jetha.

Claim 13 is similar in scope to that of claim 2, and is therefore rejected under

similar rationale.

6.   Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Horvitz et al ("Horvitz", US 5,880,773) in view of Jetha et al ("Jetha", US 6,661,426) in

further view of Hunt ("Hunt", Networking Personal Computers with TCP/IP).

As per claim 3, which is dependent on claim 1, Horvitz-Jetha fails to disclose

prompting the user for a password upon selection of an object. However, Hunt teaches

responsive to the user selecting a container object (folder), prompting the user for a

password corresponding to the selected container object (Page 8 lines 16-18).

Therefore it would have been obvious to an artisan at the time of the invention to

combine the method of Horvitz-Jetha with the current teaching of Hunt. Motivation to do

so would have been to provide a way of personalized the object so that only those with

a specific password can access it.

As per claim 4, which is dependent on claim 3, Horvitz-Jetha-Hunt discloses a

method wherein each object is selectively accessible by providing a different password

(Hunt, Page 7 lines 17-20).

7.   Claims 5,6,11,14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Horvitz et al ("Horvitz", US 5,880,773) in view of Jetha et al ("Jetha", US 6,661,426)

in further view of Shibata et al ("Shibata", US 6,466,831).

As per claim 5, which is dependent on claim 1, Horvitz-Jetha fails to disclose a

control signal for indicating a user preference for 3D and 2D. However, Shibata teaches

receiving a control signal indicating a user preference for one of (i) a two-dimensional

pointer operative to select objects at the first display depth, and (ii) a three-dimensional

pointer operative to select objects at the plurality of display depths (Column 8 lines 19-

25). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Horvitz-Jetha with the current teaching of Shibata. Motivation to do so would have been to provide a way of switching between modes for applications not supported in 3D.

As per claim 6, which is dependent on claim 5, Horvitz-Jetha-Shibata discloses dynamically adjusting the size of the three-dimensional pointer based upon the layer being accessed by the user, such that the three-dimensional pointer is larger at the first display depth and smaller at the plurality of display depths (Horvitz, Figure 15).

Claims 11 and 14 are individually similar in scope to that of claim 6, and are therefore rejected under similar rationale.

8.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al ("Horvitz", US 5,880,773) in view of Jetha et al ("Jetha", US 6,661,426) in further view of Winner et al ("Winner", US 5,920,687).

As per claim 10, which is dependent on claim 7, Horvitz-Jetha fail to distinctly point out a z-buffer for storing layers, containers, and objects. However, Winner teaches a Z-buffer for storing (i) a number of layers for each container and content object, where each layer corresponds to a relative display depth (Column 11 lines 19-21), and (ii) a location for data associated with each layer of each container and content object (Column 11 lines 24-34); and a frame buffer for storing composited data for each layer corresponding to all container object data and content object data within said layer (Column 11 lines 35-39). Therefore it would have been obvious to an artisan at the time

of the invention to combine the method of Horvitz-Jetha with the current teaching of Winner. Motivation to do so would have been to provide a way to speed up the graphics process response time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday, and alternating Fridays.
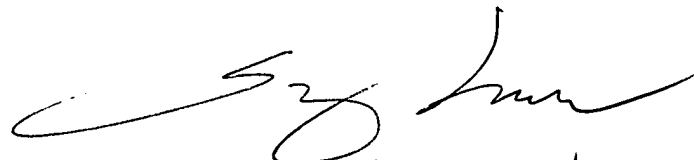
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro
Art Unit 2174
Patent Examiner

RFP

Sy D. Luu

PRIMARY EXAMINER